

Elizabeth Makowski. *"A Pernicious Sort of Woman": Quasi-Religious Women and Canon Lawyers in the Later Middle Ages*. (Studies in Medieval and Early Modern Canon Law; 6.) Catholic University of America, 2005. pp. xxxiii + 170.

As scholars of women's religious communities and female religiosity have often noted, over the course of the fourteenth and fifteenth centuries, church authorities sought to limit women's religious options through increasingly strict legislation. Citing church decrees concerning nuns and beguines, such as Pope Boniface VIII's *Periculoso* (1298) and the Clementine decrees *Ad Nostrum* and *Cum de Quibusdam* (1317), several studies have argued that the later Middle Ages was a period of growing hostility towards unregulated expressions of female religiosity. While scholars have regarded these decrees as important indicators of religious women's troubled relationship with the institutional Church, Elizabeth Makowski's new book is the first in-depth examination of canonical commentary on the Clementine decrees and other legislation targeting quasi-religious women. In this

valuable contribution to the study of women's extra-religious communities, Makowski contends that, though canonists tended to interpret legislation concerning secular canonesses and beguines harshly, this same group of men tended to recognize the legitimacy of quasi-religious communities in cases brought before the canon law courts. The author's discussion of this gap between legal interpretations and practice offers a fresh perspective on attitudes toward quasi-religious women and the extent to which these attitudes limited opportunities for women to live as quasi-religious.

One of the strengths of Makowski's book is its thorough discussion of the difficulties medieval lawyers experienced clarifying the legal status of quasi-religious women. Definitions of what it meant to live a religious life were of central importance to canonists wishing to determine

the protections and privileges to which quasi-religious women were entitled. While some medieval thinkers advocated a broader definition of the “religious life,” one based more on personal comportment than on membership in a particular order, by the beginning of the fourteenth century canon law had defined the religious person, in the strict sense, as one who took vows of poverty, chastity, and obedience and had made profession in an approved order. For canon lawyers, categorization as “religious” or “secular” depended upon the fulfillment of these requirements. Thus, canonists defined canonesses, beguines, and tertiaries as “quasi-religious” since they did not meet all of the requirements established by canon law to be defined as “truly” religious in the legal sense. The ambiguous status of these groups vexed canonists. Because canonists found themselves deciding or commenting upon cases determining the privileges of quasi-religious groups, they were particularly concerned with the legal implications of their status.

Part One discusses decrees targeting canonesses, beguines, and tertiaries on which canonists composed commentary. Referring to the same decrees, canonical glosses, and supporting documents in their writings, canonists often likened secular canonesses to beguines. Without fail, canonists insisted that, though these women were the subject of legislation and regulation, such attention did not imply approval of their status. The issue for many canonists was not only the way canonesses and beguines blurred distinctions between “religious” and “secular” but also how their way of life seemed calculated to deceive observers. For these commentators, by wearing a distinctive habit and living in common, canonesses and beguines attempted to imitate the “true” religious life and consequently deceive observers into believing that they were religious in the strict canonical sense of the word.

Despite the oft-cited “escape clause” in the Vienne decree *Cum de Quibusdam*, which vaguely exempted “faithful women living uprightly in

their own lodgings” from the condemnation the remainder of the decree implied, most canonists interpreted *Cum de Quibusdam* as an unequivocal condemnation of the beguine status. Indeed, Makowski demonstrates that canonists interpreted *Cum de Quibusdam* far more negatively and applied it more broadly than its authors originally intended. This point may come as no surprise to scholars familiar with accounts of the local persecutions of beguine communities after the publication of the Vienne decrees. Nevertheless, Makowski’s observation that canonists, many of whom had no first-hand knowledge of beguine communities in Northern Europe, tended to adopt such strongly unfavorable opinions towards both canonesses and beguines sheds additional light on official reactions to the Council of Vienne’s most famous decree.

Despite their negative assessments of canonesses and beguines, canonists consistently supported tertiaries, who they were careful to differentiate from beguines. This insistence is significant in light of

recent scholarship on German beguines and tertiaries, which demonstrates that local observers recognized almost no difference between the lifestyles and communal organization of beguines and tertiaries and often employed the terms “tertiary” and “beguine” interchangeably. In their commentaries on *Cum de Quibusdam*, however, canonists were careful to point out that tertiaries were *not* to be confused with beguines and were therefore not subject to the “blanket condemnation” they believed the decree expressed. While the author does not explore this disjunction between local and canonical understandings of these two groups, she demonstrates that the care with which canonists differentiated between beguines and tertiaries can be partially attributed to the fact that the tertiaries’ status, unlike that of canonesses and beguines, was papally approved. This distinction clarified and validated the tertiaries’ status in the eyes of the juridically-minded commentators.

Makowski is not only interested in how canonists interpreted legislation concerning quasi-

religious women, she also seeks to determine how canonists applied such legislation in the courts. Part Two, which draws on *concilia* (legal opinions) and *decisiones* of the Roman Rota, serves to contrast the legal theories presented in Part One with practice, as presented in court cases involving quasi-religious communities. Here, Makowski demonstrates that, while canonists severely interpreted church legislation concerning canonesses and beguines, in several court cases, they defended and even extended greater ecclesiastical privileges to certain quasi-religious communities. While the ambiguous status of quasi-women clearly troubled canonists, the author deftly shows that this ambiguity allowed for some flexibility when determining the rights to which such women were entitled.

Makowski's comparison of legal theory and its application effectively complicates the scholarly narrative on women's religious communities by showing that fourteenth-century legislation directed at quasi-religious women

did not necessarily signify an unmitigated attack on women's communities. Ultimately, however, it seems that medieval lawyers adopted a more flexible stance towards certain categories of semi-religious women and not others. Makowski notes in her conclusion that negative commentary regarding the beguine status adversely affected the women who chose this life. Beguines in many towns in Northern Europe opted to become tertiaries, a status that afforded women greater protection, as evidenced by the favorable light in which canonists regarded the Third Order of St. Francis. Thus, canonical literature seems to have impacted beguines more negatively than other groups of semi-religious women. Makowski provides only one example of how medieval legal commentaries on beguines were applied in practice, however. This particular case was decided in favor of an unidentified beguine community (more details on the case, if available, would have been welcome), revealing that not all canonists were hostile to the beguine status. Given Makowski's strong argument for the ways

in which canonists' opinions impacted the lives of semi-religious women, both favorably and unfavorably, a few more examples demonstrating how these commentaries did or did not factor into jurists' decisions would have shed more light on canonists' views on this particularly vulnerable group of quasi-religious women.

Nevertheless, Makowski's book presents a new perspective on official understandings of quasi-religious women that suggests intriguing avenues for future research. Canonists' comparisons of beguines and canonesses reiterate older theories about the origins of the beguine movement. Moreover, Makowski's findings concerning the links between communities of tertiaries and beguines in Northern Europe, a connection only touched upon in a handful of studies, should inspire further investigation into these connections. Makowski briefly discusses these avenues in the final part of the book, which summarizes medieval lawyers' views on quasi-religious women and the implications of these views for modern scholars. Overall, Makowski's

book will prove useful to scholars interested in canon law, religious women, and the relationship between legal theory and practice.

Tanya Stabler
University of California, Santa
Barbara

